

REMARKS

By this Amendment, the specification is amended, and claims 1, 5, 6, 8, 9, and 11-16 are amended. Accordingly, claims 1-16 are pending in this application. These amendments are fully supported throughout the specification and drawings. No new matter is presented in this Amendment. Reconsideration of the application is respectfully requested.

The Office Action objects to the specification because of informalities. Specifically, the specification uses the terms "polyacrylat," "polyure-thane," and "polyacrylnitril." Accordingly, these terms have been replaced by "polyacrylate," "polyurethane," and "polyacrylonitrile," respectively, as suggested by the Examiner.

The Office Action further objects to claims 9 and 15 because of informalities. Applicant amends claim 9 to correct the spelling of the words "polyacrylat," "polyure-thane," and "polyacrylnitril," and claim 15 to correct the spelling of the word "bactericidin," as suggested by the Examiner to obviate the objections thereto.

Therefore, based upon the amendments to the specification and the amendments to claims 9 and 15, withdrawal of the objections to the specification and claims 9 and 15 is respectfully requested.

The Office Action rejects claims 5, 6, 8, 15 and 16 under 35 U.S.C. §112, second paragraph, asserting that the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. This rejection is respectfully traversed.

Claims 5 and 6 are amended to remove the claim language beginning with the phrase "preferably." Furthermore, claims 8 and 15 are amended to rewrite the phrase containing the term "and/or" to clarify the group or species Applicant is claiming. In addition, claim 16 is amended to recite "wherein the polymer material is present in the form of fibers, or woven cloth, or knitted

fabric, made thereof." Therefore, based upon the amendments to claims 5, 6, 8, 15 and 16, withdrawal of the objections to these claims is respectfully requested.

In addition to the above changes, claims 11-14 have been amended to correct typographical errors and to more clearly recite the claimed subject matter.

The Office Action rejects claims 1, 4-10, 12-13, and 16 under 35 U.S.C. §102(b) over U.S. Patent No. 6,248,820 to Nozaki et al. ("Nozaki"). Furthermore, the Office Action rejects claims 2-3 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Nozaki. These rejections are respectfully traversed.

Independent claim 1 recites an intumescent body comprising a non-intumescent polymer material and a substantially transparent coating mass applied to the polymer material. Nozaki does not disclose, teach or suggest this feature.

Nozaki only discloses, at column 2, lines 28-65, a flame retardant, such as, ammonium polyphosphate, and fails to disclose teach or suggest a substantially transparent coating mass, as recited in claim 1.

The claimed subject matter has the essential advantage that it can be applied on a surface, i.e., a conventional polymer material, that is often provided with an imprint. When such a substantially transparent coating mass, as recited in claim 1, is applied to an imprint imparted surface, the imprint is not adversely affected.

In addition, independent claim 1 further recites wherein during a fire, the coating mass penetrates the interior of the polymer material. The polymer material provides an essential share of a carbon-donor component of the intumescent system. When the coating mass penetrates the interior of the polymer material, a flame extinguishing foam is formed.

Nozaki fails to disclose, teach or suggest an intumescent system comprising two different

components that act together, during a fire, to form an intumescent system. Indeed, Nozaki only discloses wherein an already intumescent mass is used to coat a body. That is, the intumescent mass itself has intumescent properties. For the intumescent mass of Nozaki to have these properties, it would normally have a carbon-donor component that would, render the coating non-transparent, unlike the substantially transparent coating, recited in claim 1.

Accordingly, because Nozaki does not disclose, teach or suggest each and every limitation recited in claim 1, the rejection of claim 1 under 35 U.S.C. §102(b) is improper. Applicant respectfully submits, therefore, that independent claim 1 is patentable over Nozaki.

Claims 2-10, 12-13, and 16 depend from independent claim 1 and are likewise patentable over Nozaki at least for their dependence on claim 1, an allowable base claim, as well as for additional features they recite. Withdrawal of the rejection over Nozaki is respectfully requested.

The Office Action rejects claims 15, 11 and 14 under 35 U.S.C. §103(a) over Nozaki by itself or in view of one or more of U.S. Patent No. 4,774,268 to Marx et al. ("Marx") and U.S. Patent No. 6,284,343 to Maples et al. ("Maples"). This rejection is respectfully traversed.

Applicant respectfully submits that, as discussed above, independent claim 1 is patentable over Nozaki. The flame resistant polyurethane compositions of Marx and the fire retardant carpet backing of Maples likewise fails to disclose a transparent coating mass, as recited in claim 1.

Therefore, Applicants respectfully submit that the combination of Nozaki in view of one or more of Marx and Maples fails to disclose, teach or suggest all the features recited in claim 1.

Accordingly, claim 1 is patentable over Nozaki by itself or in combination with one or more of Marx and Maples, and claims 15, 11, and 14 are likewise patentable over the applied references at least in view of their dependence on claim 1. Withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-16 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

  
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Enclosures;  
Substitute Specification

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